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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-first session

SUMMARY RECORD OF THE 1530th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 August 2002, at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Third and fourth periodic reports of Armenia (CERD/C/372/Add.3; HRI/CORE/1/Add.57) (continued)

1. At the invitation of the Chairman, the members of the delegation of Armenia resumed their places at the Committee table.

2. Mr. AMIR said that Armenia was a country that had disappeared for a time from the map and had later returned; it therefore had the right to protect its newly refound freedom and independence. It was now doing all it could to strengthen its national sovereignty, including through the protection of its national minorities. He congratulated the Government of Armenia on its efforts.

3. Mr. MNATSAKANIAN (Armenia) said that his Government was still in the process of learning. It had become clear during the dialogue with the Committee that his Government needed to pay greater attention to the appropriate use of definitions. He had taken note of the Committee's comments regarding the inappropriate use of the term "mono-ethnic" in paragraph 5 of the third and fourth periodic reports (CERD/C/372/Add.3) to describe the population.

4. Mr. KOCHARIAN (Armenia) said that the term had been used to highlight the fact that a relatively small number of ethnic minorities lived at present in Armenia. The definition that had been used in the core document (HRI/CORE/1/Add.57) would be used in future reports. In reply to a question about the statistics reflecting the demographic composition of the population, he said that the recent political and economic changes had caused unprecedented population movements that made it difficult to provide accurate data on national minorities. The Government had relied on information provided by non-governmental organizations (NGOs), the Union of Nationalities of Armenia and the National Statistical Services. The results from the 2001 census, which had not yet been finalized, would be reflected in the fifth periodic report.

5. In reply to questions about racially motivated crimes, he said that the Ministry of Foreign Affairs had made some enquiries to various government bodies and had discovered that no information was available about such crimes. He acknowledged the need to raise awareness of the issue and to reveal any such crimes.

6. The report had contained no information about the recent visit to Armenia of the Special Representative of the Secretary-General on internally displaced persons because the visit had taken place after publication of the report. The visit had coincided with government discussions on ways to address the issue of internally displaced persons, of whom there were an estimated 192,000 in Armenia. Some 72,000 had been displaced as a result of military operations in areas bordering Azerbaijan owing to the Nagorny Karabakh conflict, and the remainder had been uprooted as a result of natural or human-made disasters. Since independence, the Government had issued over 50 decrees and decisions to bring relief to refugees and displaced persons.

At the end of 2000, the Government had approved the concept of migration regulation, which determined nine priority areas, one of which was internally displaced persons. The Department for Migration and Refugees had developed a project on the post-conflict rehabilitation of border territories to address the rehabilitation and reintegration needs of persons internally displaced by conflict.

7. Refugees represented 10 per cent of the entire population, a fact that had a significant political and economic impact on the country. In 1993, the Government had received substantial support from the international community, including the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide emergency relief for refugees. However, given the complexity of the problem, the integration of refugees into Armenian society had been very slow and had led to a feeling of isolation among the refugee community; approximately 13,000 refugee families were currently living in temporary accommodation, the unemployment rate among refugees was three and a half times higher than the national average (currently 11.5 per cent) and no progress had been made in securing compensation for property left behind in Azerbaijan. Nevertheless, efforts to promote integration were continuing; for example, a series of laws and decisions had been adopted in recent years to guarantee the rights of refugees. A special centre was being built to receive new refugees. The process of granting citizenship to refugees was regulated by the Refugees Act and was consistent with the 1951 Convention relating to the Status of Refugees. Many refugees were aware that they enjoyed rights equal to those of citizens and were reluctant to apply for citizenship, fearing the loss of refugee benefits and all chances of possible compensation.

8. Unfortunately, no statistics were available to illustrate the participation of national minorities in the economic and social development of the country. Although national minorities were not currently represented in the National Assembly, there was no barrier to the participation of minorities in public affairs and national minorities occupied high-level posts in local self-government bodies and human rights bodies. While there was no Arab community as such in Armenia, Arabs did form a part of society. A mosque had been restored in Yerevan to provide Muslims with a place of worship.

9. In reply to a question about the Armenian diaspora, he said that the difficult social and economic situation meant that people continued to emigrate in search of work or for family reunification. According to estimates, some 800,000 people had emigrated since 1992, constituting almost a quarter of the total population. The socio-economic situation had improved between 1998 and 2000 and living standards had improved. Nonetheless, the emigration trends had not changed. The Armenian diaspora consisted of some 6 million people.

10. Mr. OSIKYAN (Armenia) said that, in order to meet the commitments it had entered into on joining the Council of Europe, Armenia had drafted a new Criminal Code which was due to enter into force in 2003. Article 226 of the new Code, which stated that the incitation of national, racial or religious hatred was a punishable offence, would eliminate the conflict between article 4 of the Convention and article 69 of the current Criminal Code. Other articles also provided national minorities with protection.

11. Mr. KOCHARIAN (Armenia) said that the Coordinating Council of National Minorities was the State structure for national minorities; the Government was currently discussing the possibility of creating a new structure to address the issue. Following a decision by the Prime Minister, there was a new vacancy in the Prime Minister's Office for an official responsible for national minority issues. In reply to a question about the financing of the media, he said that the Government had decided that a special budget would be earmarked for the financing of newspapers. On the issue of the Armenian Apostolic Church, he said that the Church was supportive of the 14 different religious movements currently registered in Armenia in recognition of the right to freedom of thought, conscience and religion enshrined in the Constitution. On accession to the Council of Europe, Armenia had undertaken to ensure that all churches and all religious communities, in particular those referred to as non-traditional, could practice their religion without discrimination. Therefore, the National Assembly had recently ratified a new law on freedom of conscience and religious organizations.

12. A programme to reform the penitentiary system was currently being implemented. The first phase, which involved the transfer of responsibility for the system from the Ministry of the Interior to the Ministry of Justice, had been successfully completed. The second phase, which involved the development of the system under the Ministry of Justice, was under way. The aim of the Penitentiary Code was to stipulate the procedures for applying and exercising criminal sentences and the necessary conditions for the correction of prisoners, to guarantee the protection of their rights and freedoms and to facilitate their social rehabilitation. With regard to the gender proportion in prisons, he said that latest figures indicated that 7,000 men and 900 women were currently in detention. All prisons had designated places for religious worship.

13. The social welfare system had been established by Presidential decree in 1991 and was not without its shortcomings. A system of personal accounting had not been introduced, and pension amounts were not dependent on paid-in contributions. Pension provision for Armenian citizens was guaranteed by the State Pensions Act, which had been adopted by the National Assembly in December 1995. Under the statute, every citizen was entitled to a State pension. The Act extended to aliens and stateless persons resident in Armenia unless otherwise specified in Armenian law and the international treaties to which Armenia was a party. Under the 1997 Compulsory Social Insurance Contributions Act, employee social insurance contributions were set at 3 per cent of wages.

14. In reply to a question about poverty levels, he said that a special working group on poverty eradication had been created as part of a joint project with the World Bank. A round-table meeting had recently been held with the participation of interested parties. Consequently, the Ministry of Economy had released new figures and updated information about poverty lines, indicating a decline in the percentage of the population living in extreme poverty, from 23 to 16 per cent.

15. Mr. OSIKYAN (Armenia) said that NGOs had to register by law. Their application could be refused if the required documents were not provided. The State had the authority to request the liquidation of an NGO or a non-profit organization before a court if it was suspected that the organization's activities were directed towards the incitement of national, racial or religious hatred. On the issue of voting rights, a law had recently been enacted to amend the Electoral Code, giving refugees the right to participate in the electoral process.

16. Mr. KOCHARIAN (Armenia) said that the Education Act of 1999 laid down identical educational principles and rights to education for all Armenian citizens without restriction or discrimination of any kind. In addition to general-purpose schools, there were Russian schools and a Russian-Armenian University. Russian was taught in a number of schools, and Kurdish was taught in schools in areas with Kurdish populations. Other languages taught in schools included Greek, Persian, Syrian and Arabic. Recently, on the initiative of the Union of Nationalities, a foreign language institute had opened, offering classes in Ukrainian, Russian, Kurdish and German.

17. The Department for Migration and Refugees had coordinated the drafting of the bill on national minorities, and representatives of ethnic groups and of the Coordinating Council of National Minorities had actively participated in that process. The bill prohibited all forms of racial discrimination and ensured equality before the law without distinction as to race, skin colour, or national or ethnic origin. It also provided for the protection of the political, economic, social, legal, ethnic, linguistic, cultural and religious rights of national minorities, ensured their equal right to access to education, employment and housing and guaranteed their right to take part in the conduct of public affairs. It also specified that each citizen could freely determine his national identity, and that the State could not interfere with that definition.

18. Mr. OSIKYAN (Armenia) said that, under the Armenian Constitution, any international instrument took effect only after ratification. Once ratified, it became part of the country's legal apparatus and its provisions prevailed over those of domestic laws. However, if an international instrument contradicted the Constitution, it was necessary to amend the Constitution before it could be ratified.

19. Mr. KOCHARIAN (Armenia) said that the Presidential Commission on Human Rights examined individual complaints involving, for example, ill-treatment and torture.

20. Under a memorandum of understanding between the Armenian Government and the Office for Democratic Institutions and Human Rights (ODIHR), a number of human rights programmes, including public awareness programmes, were being conducted. Each year, six television programmes were produced on human rights matters, including the rights of soldiers, women, children and vulnerable groups; they were shown on national and regional television, and copies were provided to human rights organizations. A round table on religious and ethnic tolerance had been held, and participants included representatives of the Council of Europe, the ODIHR, the Office of the United Nations High Commissioner for Human Rights, and national and religious organizations.

21. Armenian academic circles had also shown a keen interest in national minorities, and recently a work had been published examining the social, economic, ethnographic, cultural, political and legal problems facing Armenian minorities. Training programmes were being offered for teachers in human rights and in building a culture of tolerance. Human rights courses had been introduced into elementary schools, and manuals were being prepared for secondary schools.

22. Mr. OSIKYAN (Armenia) said that article 25 of the Refugees Act contained no restrictions on the refugees who had arrived during the period from 1988 to 1992; those refugees received the same protections as others, and there was no discrimination under the law.

23. Mr. KOCHARIAN (Armenia) thanked the Committee for its references to the history of Armenia, in particular the genocide that had occurred in that country, and for its remarks regarding the economic and social difficulties it was undergoing as a result of blockades by neighbouring countries. He reiterated the firm commitment of his Government to all international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and expected that the Committee's observations and recommendations would reinforce his Government's undertakings in that regard. Finally, he apologized for any unanswered questions; they would be answered in the next report.

24. Mr. SICILIANOS said that the delegation seemed to have misunderstood his question regarding article 25 of the Refugees Act. That article indeed stipulated that restrictions on refugees were not applicable to refugees who had entered the country between 1998 and 1992. Those refugees were almost exclusively ethnic Armenians fleeing from Azerbaijan. The article, in effect, conceded that there were restrictions on refugees that entered during other years: he was concerned about discrimination against them, not against ethnic Armenians.

25. Ms. JANUARY-BARDILL remarked that the report used the term "refugees" when it was perhaps more correct to speak of "returnees." That conceptual distinction might be the source of some confusion.

26. Mr. KJAERUM reiterated his request for clarification on allegations of discrimination made by the Yezid minority.

27. Mr. OSIKYAN (Armenia) said that article 25 of the Refugees Act stated that all legal provisions which restricted the rights of refugees were not applicable to persons who had entered Armenia between 1988 and 1992. If that provision presented a problem, the Government would willingly modify it.

28. Mr. KOCHARIAN (Armenia) said that the round-table meeting had revealed that there was an unusually high level of ethnic tolerance in Armenia, and that any tensions were more among religious than ethnic groups. There was some dispute, for example, between Kurds and Yezids about the groups they belonged to; the Government had consequently incorporated a provision into the draft law on national minorities allowing individuals to determine to which nationality they belonged. The Union of Nationalities had collected data on the Kurds and Yezids; apparently the Yezids considered themselves a separate nationality, and professed to follow a pagan religion.

29. Regarding refugees and returnees, he referred the Committee to the definition of a refugee contained in article 1 of the Refugees Act, which specified that a refugee was a non-Armenian citizen. The Government had made the commitment to allow all Armenian compatriots to return to that country, and special reintegration and readmission programmes had been created for returnees.

30. Mr. YUTZIS (Country Rapporteur) said that the dialogue had been a learning experience for both the Committee and for the delegation of Armenia. The crucial question whether Armenia was in fact a mono-ethnic country should be analysed and debated by the Government and by civil society organizations. Questions also remained about the definition of the term "minorities." He noted that the Government of Armenia had made a verbal commitment to modify article 25 of the Refugees Act. The delegation had indicated that the non-traditional churches had the same rights as the traditional churches, including the national church of Armenia. It had also revealed that refugees were permitted to participate in the electoral process.

31. More precise and detailed statistics were necessary. In addition, the Committee would like information on complaints of racial discrimination and on any judicial action that had been taken in response to them. Article 69 of the Criminal Code provided punishments for private persons who incited racial or national enmity; the Government should consider extending that provision to cover institutions and organizations as well.

32. Mr. MNATSAKANIAN (Armenia) said that the consideration of the report had been an important exercise for the Government of Armenia. It was in the process of preparing reports for other international bodies, including the Council of Europe, and greatly valued the assistance and support it was receiving from the world community in its efforts to build democracy.

33. The delegation of Armenia withdrew.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

Dialogue on the preliminary version of the sixth to fifteenth periodic reports of Fiji (HRI/CORE/1/Add.76; sixth to fifteenth periodic reports (preliminary version, document without a symbol); shadow report)

34. At the invitation of the Chairman, Mr. Mataitoga (Fiji) took his place at the Committee table.

35. The CHAIRMAN welcomed the representative of Fiji whose presence demonstrated the willingness of his Government to renew its dialogue with the Committee and to fulfil its reporting obligations under the Convention. The discussion would necessarily be a preliminary one since the Committee had only just received a copy of the document containing the report.

36. Ms. JANUARY-BARDILL (Country Rapporteur) said that the Committee had also received a shadow report prepared by the Fiji NGO Coalition on Human Rights, at the request of the Fiji Government, which reflected the concerns of members of Fiji's civil society regarding the political instability in the country which was causing social fragmentation and economic decline. The Committee looked forward to considering in detail an amplified version of the report at its March 2003 session.

37. Mr. HERNDL, referring to paragraph 193 of the preliminary report, said that more information on why the Fiji Government had opted not to make the declaration under article 14 of the Convention would be welcome.

38. Mr. ABOUL-NASR observed that the right of individual petition was an optional clause.

39. In reply, Mr. HERNDL pointed out that it would be helpful if the Fiji Government were to specify the remedies that were available under domestic and international law for violations of the rights set out in the Convention.

40. He drew attention to the following paragraphs in the preliminary report which, inter alia, contained omissions: paragraphs 55, 77, 92 (table), 94, 150, 152, 128 and 190.

41. Mr. de GOUTTES said he had noted in the 2002 Amnesty International Report that a court challenge against the ethnic imbalance in the Fiji Government was pending and that the caretaker Government had cancelled the charity status of the Citizens Constitutional Forum, a multi-ethnic NGO, after it had filed constitutional challenges against the Government in court. Those were serious issues which needed to be explained in the report which the Committee would be considering at its March 2003 session.

42. Mr. THORNBERRY noted that the document articulated the extensive reservations of the Fiji Government to the Convention. There was, of course, provision for reservations, but that need not prevent the Committee from discussing those reservations as it had done in the case of other States parties. Of particular concern was the relationship between the specific rights of the indigenous inhabitants of Fiji and the general principles of international human rights law, for example on non-discrimination, especially in view of Fiji's strong support for the United Nations draft declaration on indigenous peoples and its ratification of International Labour Organization (ILO) Convention No. 169 Concerning the Rights of Indigenous and Tribal Peoples in Independent Countries.

43. Mr. AMIR observed that Fiji had only been an independent nation for 32 years, which might explain why it was having difficulty replying to the Committee's questions.

44. Mr. YUTZIS said that if it were acceptable he would submit his comments in writing to enable them to be taken into account when the report was being completed.

45. Mr. MATAITOGA (Fiji) assured the Committee that his Government was committed to providing a full report and that the issues members had raised would be addressed. It would be appreciated if any further questions were forwarded promptly. The missing information would be supplied within a reasonable period of time.

46. Ms. JANUARY-BARDILL (Country Rapporteur) said that NGOs should be encouraged to make further contributions while the report was being finalized. In its current form the report was too descriptive in style; it would be much improved if the final version were more analytical.

47. The CHAIRMAN said in conclusion that the report should be completed by 30 September 2002; that the substantive issues raised by Committee members should be taken into account either in the body of the report or orally; and that it would be placed on the agenda of the March 2003 session for consideration.

The meeting rose at 12.10 p.m.